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JOHN H. REAGAN.¹

WALTER FLAVIUS MCCALED.

When John H. Reagan passed away peacefully in his home at Fort Houston, near Palestine, Texas lost her most distinguished citizen, the South one of her most loyal champions, and the Union an ardent patriot. The last survivor of the Confederate Cabinet, he belonged to a period of our history, which, in this strenuous age is already remote, mediæval.

He was born so long ago as October 8, 1818, in Sevier County, Tennessee. The Reagans were of mixed ancestry—English, Irish, German, Welsh—and it would be difficult to say which strain predominated in the character of their most distinguished scion. In a sense he combined them all, being English in his love of order, Irish in his predilection for politics, German in his desire for knowledge, Welsh in his persistence of purpose.

The date of his birth was not an inauspicious one, so far as the West was concerned; for the riflemen of his own State, who, under Jackson at New Orleans, had aided in destroying Pakenham's army, were but returned from the war. In every village resounded the songs of triumph; in every household the frontiersmen taught their children reverence for the Stars and Stripes, and pointed prophecies of the coming power and glory of the United States. It is no wonder that young Reagan came to love the Union with an "almost extravagant devotion." It is a fact, which has been all too slow of recognition, that the Westerners—the early settlers of the Mississippi Valley—were the first devotees of the Constitution, most of whom indeed had borne arms in the revolution, making possible a Constitution by their victories, rendering it inviolable by their successes in the second war against the King. Love of country is a virtue bearing its finest fruit in the hearts of those

¹Thanks are due to the *Review of Reviews* for permission to make use of certain portions of my article entitled "John H. Reagan—A Character Sketch," appearing in the May issue of that magazine.—W. F. M.

who live nearest to mother-earth, and no nearer can civilized man than lived the pioneers who first broke through the Alleghanies. Among them axe and rifle were inseparably associated; and he that laid the wilderness with the one, was ready with the other to conquer the enemies of his country.

A pioneer was Judge Reagan's father, fresh from the ranks of the Revolutionary army. He settled in the mountains of East Tennessee, acquiring a small landed estate; and here his son was born into the world—a world that was all too hard and poverty-stricken. There was no refuge from the unrelenting environment, while over all brooded the spirit of the wilderness as yet unconquered, as if inviting conquest. It was truly a time when familiarity with the axe and rifle was of infinitely more consequence than knowledge of books. And into this *régime* young Reagan was thrust. In early life he busied himself on the farm and in the tanyard of his father, and while still a youth took part in some minor skirmishes with the Indians. But thirst for knowledge soon made him a captive, and the log schoolhouse with its puncheon benches proved a prison of the most delightful character, and to the close of his life he remained a student. During his residence in Washington he worked hard at whatever subject he had in hand. Senator R. Q. Mills has said of him that often returning late at night from some social function he could see the lights gleaming in the judge's rooms. He almost eschewed society in that quest which never ended.

Endowed with this longing after knowledge, nothing short of its gratification could satisfy the eager youth; so at a tender age he set out in pursuit of an education. This pursuit led him far from home, and over a very harsh and jagged way. Yet he went bravely, conquering as he went. For he managed to accumulate money and, perhaps better, to make friends. With the money he returned to school, and what with outside labors, mornings, evenings and Saturdays, he managed to secure several sessions at an academy and a so-called college. Then he entered the school of schools—life—hewing wood and drawing water in order to be able to continue his exploration of the realms of wisdom. But, in all charity, the byways of the Tennessee of that day were not lined with educational in-

stitutions, nor were those that here and there managed to exist celebrated for their teachers. Indeed the modern over-vaunted cultural influences were wanting in large measure—the time was not yet. But, perhaps better than all, because rarer in this day of graft and pompous formality, he imbibed those principles which have always distinguished gentlemen of the South—knightly respect for woman, watchful care of his own honor, whole-hearted hospitality, simplicity of every day life (a lost art), and an ardent love of country. Frontier-born and bred, he entered life endowed with an intuitive faculty of meeting emergencies on the spot, with a tact useful later in placating antagonists of various types. He had other qualities of the frontier, too—force, directness, frankness, patience, courage,—scarcely ever found in the same degree in the settled centers of society. The temptation to contrast him with Senator Hoar is very strong, for they were in many respects at antipodes,—in many, shoulder to shoulder. It is sufficient to know that one was born in Concord—the Concord of Emerson and Hawthorne—and the other in Tennessee—the State of Sevier and Jackson.

Politically, Judge Reagan was a Democrat of the Andrew Jackson type. As a boy, he grew up under this influence, for “Old Hickory” had assumed his sway in Tennessee. Besides, Democracy of this sort could exist only on the frontier or in the communities but newly sprung from the loins of society. The application of the dogmas of such a Democracy as was held by the West from 1800 to 1850 was impossible in a society which had begun to build cities and establish factories. And all his life Judge Reagan stood for the simplest governmental forms, looking with alarm upon the innovations of latter-day administrations. Chiefest of his cares, the core of his code of statecraft, was the individual. Like Jefferson, he desired to throw about the weak all the legal protections possible, realizing, as the father of ultra Democracy did, that without the erection of barriers the individual was but a pigmy in the power of harpies. Thus it was the tremendous growth and influence of trusts filled him with forebodings of disaster. In his opinion it was all wrong, and to be reprobated. Principles were everything to him. As a candidate for governor, he refused to per-

mit his name to go before the nominating convention because some of the planks in the platform ill-accorded with his views. Nor can it be charged that it was fear of defeat that prompted the act, for no man ever faced issues more fearlessly.

Judge Reagan was twenty-one years of age when he crossed the Sabine into the Republic of Texas. There still rang the echoes of the Texas Revolution, which in itself had been but a protest against governmental machinery—a conflict between Anglo-Saxon and Spanish institutions. The wars with the Indians which followed were also in the nature of simplifying the problems of government, and here, as a young man, he launched forth boldly, taking part in the Cherokee War. In the decisive battle he tried to save the life of Chief Bowels, the last great figure of this famous tribe, whom he had seen under unforgettable circumstances—in a conference with Sam Houston. The young man's gallantry on this occasion brought him an invitation to join the regular army, then under the command of Albert Sidney Johnston. But this was declined because it did not seem to open up a career. All his life, however, he had a strong desire for the military.

Not long after the close of the war he became deputy public surveyor, and striking out westward from Nacogdoches, he first marked out the lands in what is now Kaufman, Van Zandt, and other counties. Then, in regular course, he was elected justice of the peace; read law and was sent to the legislature; was chosen district judge, obtaining the title which clung to him to the end. In 1856 he was nominated for Congress by the Democrats, the representative of the district then being an American or Know-nothing—Judge Evans, a man of force and ability. While it was wholly against his wish, he was practically forced to accept the nomination. Taking the field, in one of the most sensational contests in the annals of the State, he triumphed completely. Two years later he was again nominated and again elected, although he opposed some of the slogans of his party, namely, filibustering, and the opening of the African slave trade. In the halls of Congress he was one of those who stood most stoutly for the preservation of the Union, his great speech on that subject being one of impelling force. It breathes an air of heroism, when,—the Crittenden Com-

promise having failed and the secession acts of several States having passed,—on the floor of the House he declared:

“I have loved the Union with an almost extravagant devotion. I have fought its battles . . . in times when the result for the Union seemed hopeless. If I believed we could have security of our rights within the Union, I would go home and fight the battles of the Union in the future with the same earnestness and energy that I have done in the past.”

On the other hand he incisively pointed out that the framers of the Constitution had recognized slavery, and that the laws formulated since the foundation of the Union had done likewise. “What right, therefore,” he asked, “had the North to force the South to abandon the institution?” To him it was a question of abstract right, and he hesitated not to follow the fortunes of his State, although it grieved him to sever the old allegiance. But the die was cast, and, toward the end of January, 1861, he, along with many Southern members, withdrew from the Capitol.

This was the beginning of the crucial period, for while *en route* home he learned of his election to the so-called Secession Convention of his State, which met at Austin. Here it was in a prophetic interview which he had with Governor Sam Houston, who stood aloof from the convention, that the latter pronounced his dismal forecast: “The people are going to war on the question of slavery, and the firing of the first gun will sound the knell of slavery.” Houston’s own attitude, too, was discovered, for, while he strongly opposed the secession movement, he gave out that he would never take arms against his own people.

But, spite of the tremendous influence of the governor, the convention passed the ordinance which parted it from the Union, and Judge Reagan was chosen one of the six delegates to the Provisional Congress of the Confederacy. The other members were General Waul, Judges Gregg and Ochiltree, and former United States Senators Hemphill and Wigfall. The latter was a man of marked ability, and, throughout the life of the Confederacy exerted unusual influence in directing the affairs of State. Indeed, toward the close his attacks on the government were so bitter that Judge Reagan visited him in a vain effort to stay his tongue. In Mont-

gomery, however, there was unanimity of action, Texas members taking no mean part in the discussions which led up to a constitution. Judge Reagan bore himself creditably, but to his surprise, there came one day notice of his appointment by President-elect Davis to the portfolio of postmaster-general. He accepted the rôle with misgivings, for he was aware that the attendant difficulties had deterred at least two other distinguished men from assuming the post. And the task might well have deterred him, for in all soberness, it was no simple matter to organize and set into operation a postal system of the magnitude demanded by the seceding States,—a system which was to be subjected to the severest tests. Here was his great triumph. The year prior to the outbreak of the war the expenditures of the government in connection with the postal service in the South reached the sum of \$2,879,530; the receipts, but \$938,105, leaving a deficit of nearly two millions. The situation was not encouraging; however, he not only gave the Confederacy better mail service for vastly less than the cost under the Union, but actually year after year, while the financial condition of the Confederacy steadily grew worse, he increased the net returns of his department. Even the last year of the war the surplus in the treasury credited to his department was no mean sum. This was a splendid achievement—an achievement proclaiming extraordinary executive ability.

Apart from Mr. Reagan's duties as postmaster-general of the Confederacy, he was one of the most faithful and trusted of President Davis's advisers. On many points of policy he took issue, not only with the other cabinet members, but with the president as well. At the very first meeting of the Cabinet in Montgomery, when the question as to the proper distribution of the troops came up, he urged the despatch of the most of them to Kentucky, alleging that here was a weak spot in the defences. And so it proved, and the point had been decided against him by the *doctrinaire* policy of interfering in no State without leave! Possibly, however, the most conspicuous instance of his opposition concerned the plan of the campaign of 1863. He objected in no minced words to sending General Lee into Pennsylvania, urging on the other hand the relief of General Pemberton and the capture of General Grant's

army, which, it is now strongly believed, was feasible. The next step was the re-conquest of Tennessee and Kentucky—the third and final, the return to Virginia to relieve the army of Lee in case it had been beset by the Army of the Potomac. But the Cabinet and the president and General Lee himself were all opposed to this programme, and the course was elected which eventuated in Vicksburg and Gettysburg. But even after the decision had been made, Judge Reagan wrote a final note to the president appealing in vain for a reconsideration of the question; and this document now lies in the national archives, its own commentary.

It was a marked characteristic of the man that when once a conclusion was reached he held it with a pertinacity recalling the elder Pitt. He had definite ideas on whatever matter came before him, and was conspicuous in the Cabinet for his clear-cut conceptions of what was best to be done under the circumstances. On the field his coolness and bravery were admirable, and in the fighting around Richmond several times he was under fire, while on one occasion his wit and that of Colonel Lyon probably saved the capital from Sheridan's cavalry. When the flying detachment of hostile horsemen appeared, Colonel Lyon and Judge Reagan, riding out along the lines, happened at the moment to be at a section quite destitute of defenders. Thereupon they rode back and forth behind the breastworks as though giving orders—and the blue-coats fled.

After the fall of Richmond and the surrender of Lee's unvanquished though beaten army, he displayed his genius for dealing with pressing problems of state. General Johnston's fragment of an army, facing the hosts of General Sherman, could but choose to lay down its arms, and the terms of surrender were certain to constitute a precedent which might involve the whole of the Confederacy. This Judge Reagan realized, and, first of all the Cabinet, drew up and submitted for its consideration a tentative agreement, which, indeed, was finally accepted almost *in toto* by the victorious general. After that it would have been indeed difficult for the United States government to have turned upon its path and to have prosecuted the Confederates for treason—it was a weighty point won.

However, even though Lee and Johnston were no longer in the field, hope was not abandoned by the executive as to ultimate triumph; and as the bedraggled companies of Confederates, under General Breckinridge, beat on southward, Judge Reagan's was one of the stoutest hearts. This was shown by his appointment to the portfolio of secretary of the treasury, Mr. Trenholm having resigned on account of illness. Thus, acting in the double capacity of postmaster-general and secretary of the treasury, he went bravely on with President Davis when others fell away from him and his sinking cause to fly, as Benjamin did, in disguise to friendly shores, or to caress, as some did, the conqueror.

On May 10, 1865, the Davis party was captured and hurried northward. At Hampton Roads, where the prisoners were separated, Judge Reagan besought General Wilson, who was in command, to be allowed to accompany Mr. Davis, who, as many thought, was certain to be executed. Long afterward Judge Reagan again met General Wilson, who smilingly remarked that he remembered well the day the judge had begged to be shot. That was typical of the man. He knew that he was as guilty, morally or otherwise, as his chief, and that whatever fate befell that chief was meet for his adviser. And it was no pose on the judge's part. He had moral and physical courage of a superior order; no peril, no menace ever moved him a hair's-breadth from his purpose.

Imprisoned in Fort Warren, Boston Harbor, a few cells removed from Alexander H. Stephens, far from losing heart, he straightway set about ways and means to secure the readjustment of the States on lines acceptable to both sections. His Fort Warren letter, all things considered, was nothing short of prophetic. It urged the people of Texas to recognize the loss of their cause and to accept the legitimate fruits of the war, if they would escape heavier calamities. He foresaw, as scarcely any other southern man did, the horrors of reconstruction, and strove manfully to avoid them. Even after his release and return on parole to Texas, he never ceased his vigilance, urging in a letter to Governor Throckmorton, and in one to the people of the State, that the amendments to the Constitution needs must be accepted. Alas! his advice fell on deaf ears, and he was held up to censure by those he

sought to save, many of whom came, with bitterness, to see that he was right.

It was while in prison, too, and ignorant of what fate awaited him, that he wrote his justly memorable letter to President Johnson. It discussed the case of Jefferson Davis, whom the government was preparing to arraign on the charge of treason. For legal acumen and argument, possibly this letter remains Judge Reagan's masterpiece. Certainly it was, and is, unanswerable.

At length came his release from Fort Warren. Defeated and disfranchised, the man rose superior to all obstacles. He retired to his farm at Fort Houston and laid his hand to the plow, looking not backward. When his disabilities had been removed by Congress he resumed the practice of law, and in 1875 was returned to Congress, his service being continuous up to his election to the Senate in 1887. During this period his most distinguished labor was on the Committee on Commerce. For eight years he served as chairman, securing the passage of the present interstate commerce law in the face of bitter opposition.

Not less important, if less conspicuous, was the rôle he played on many occasions—the rôle of impugner. If ever there was in Congress a man who could scent corrupt legislation from afar, it was John H. Reagan. One instance will suffice. In its original form he opposed with all his might the famous Union Pacific Railway "enterprise," fearlessly pointing out the hiding places of corruption. And there were hiding places we have since discovered; and there were money-changers in the lobbies of the Capitol. He was himself, on one occasion, approached by the tempter; but in his public life of over fifty years there has yet to appear the charge that his fingers were soiled by a dishonest dollar. So honorable was his career that the State chose to honor him by elevating him to the post of Senator; and here again, we find that his every thought was how best to serve his people.

If he had not on other occasions shown that no sacrifice was too great for him to make, his resignation from the Senate to accept the appointment of railroad commissioner of his State would abundantly prove it. Not alone was the post of chairman of the commission less remunerative than that of senator, but to withdraw

from Washington to Austin to undertake the arduous labor of organizing a system which should curb the rapacity of the roads of the State might well have deterred the hardiest. And yet the Senator, despite his seventy-two years, took up the burden and carried it to a most successful ending. After ten years of this exacting routine he retired to his home and began—a labor which had been alas! all too long neglected—his Memoirs. Year after year he had planned to take up this work, so much demanded by the public, but his sense of duty and service were to him inexorable. Happily, when the final summons came, the written record was complete.

Up to the very last Judge Reagan never lost interest in politics, and it can be said without fear of contradiction that his influence did more than all else to secure for Judge Parker the support of Texas and the South. He was deeply concerned in the so-called reorganization of the Democratic party, eager to see the two parts again united; and the result of the election cast him down in spirit, for he realized that the organization he had seen control the government for decades was no longer intact, and that a period of political chaos was already entered upon—a period in which the trusts and protected industries promised to riot and the people to suffer.

For a number of years the judge served as president of the Texas State Historical Association, manifesting a warm interest in all that pertained to the annals of so splendid a Commonwealth. He himself had seen her as independent Republic, as State, as member of the Confederacy, and again of the Union. It was a long period and a brilliant one—and Judge Reagan's life had been woven into the fabric of the history of the State; woven in the warp and woof—woven imperishably.